

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Willie W. Ng	)	Examiner:	Von Roy, Tod
)		
Serial No.	10/766,103	)	Art Unit:	2828
)		
Filed:	01/27/2004	)	Our Ref:	B-4585 619759-6
)		
For:	"A Wavelength Reconfigurable Laser..."	)	Date:	September 9, 2010
)		
		)	Re:	<i>Comments on Reasons for Allowance</i>
)		
)		

Comments on Statement of Reasons for Allowance

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the Notice of Allowance dated June 10, 2010.

Applicant's Comments on the Examiner's Statement of Reasons for Allowance with accompanied to the Notice of Allowance dated June 10, 2010, begin on page 2 of this paper and are made without prejudice.

COMMENTS

The Examiner begins his statement regarding allowable subject matter a discussion of claims 1 and 10 (claim 1 is an apparatus claim while claim 10 is a method claim) and then mentions a series of additional independent claims as if they include the same features as claims 1 and 10, but with additional features added.

The applicant has several objections to this manner of presentation:

(i) First, claims 1 and 10 are different scopes merely by reason of the fact that one is a method claim while the other is an apparatus claim. Since these claims have different scopes, each should have its own reason for allowance. It is respectfully suggested that each independent claim should have a separate reason for allowance, written in separate paragraphs, otherwise it can be unclear as to how the comments are meant to apply to each different independent claim.

(ii) Second, the series of additional independent claims (claims 26, 28, 30, 34 and 38) do not include all of the features of claims 1 and/or 10. But the Examiner's comments mention that these claims "further define" the types of gain and microprocessor materials , etc. This manner of presentation could make it sound like claims 26, 28, 30, 34 and 38 are written as dependent claims. But that is not the case and they do not include all of the features of claims 1 and/or 10. For example, claim 26 does not recite that the gain medium is of a different material than the platform as recited for claims 1 and 10. Claim 28 does not mention either an integration platform or a silicon substrate. This is not a comprehensive list of differences, but is merely intended to demonstrate the sort of problems which arise when the Examiner does not present his reason for allowance claim by claim in separate paragraphs.

(iii) The examining uses phraseology which does not come verbatim from the claims. For example, with reference to claims 34/36/38, the examiner mentions "the single peak alignment under electrical tuning and material limitations". Well, the

Examiner doubtlessly knows how these stated reasons correspond to specific claim limitations, but third parties can be confused since the statements essentially amount to a re-phrasing of the claim limitations. Due to the confusion which can arise, it is respectfully suggested that the Examiner refer only to limitations found in the claims verbatim without re-phrasing the claim limitations in any way whatsoever.

The Applicant objects to the Examiner's Statement of Reason for Allowance to the extent that the comments seem or can be interpreted as referring to features or elements not found in the individual claims themselves. It is respectfully requested that the Statement of Reasons for Allowance be rewritten such that each independent claim is given a separate reason for allowance, written as a separate paragraph. And, importantly, when a specific claim is discussed, that the Examiner refer only to limitations found in that claim verbatim and not by rephrasing the limitations of the claim in any other manner.

The Examiner is respectfully requested to write a separate reason for allowance for each independent claim without commingling the features of the various independent claims.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

Comments on Statement of Reasons for Allowance

Dated 9 September 2010

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I hereby certify that this correspondence is being
electronically filed with the United States Patent Office on

September 9, 2010
(Date of Deposit)

Lonnie Louie
(Name of Person Depositing)

/Lonnie Louie/
(Signature)

September 9, 2010
(Date)

Respectfully submitted,

/Richard P. Berg 28145/

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